

REMARKS

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1-4 and 7-10 under 35 U.S.C §102, as being anticipated by Sabaa et al. (“Sabaa”) (U.S. Patent No. 6,389,016). For the reasons set forth below, Applicant asserts that the cited reference fails to teach or render obvious Applicant’s invention as claimed in claims 1-4 and 7-10.

Sabaa discloses a method “for transporting data between a sending entity and a receiving entity in which the complexity of the receiving entity is required to be low... A sending entity divides the data into a plurality of groups, each of which is segmented into packets. The sending entity sequentially transmits the packets of each group. A receiving entity receives sequentially the packets transmitted from the sending entity. When one or more packets are lost or collapsed during the transmission, an out-of-sequence packet is received. The receiving entity discards the out-of-sequence packet and sends a negative acknowledgement to the sending entity to request retransmission of the lost packet and the subsequent packets. No more negative acknowledgement is sent until an expected packet is received. When all packets of a group are correctly received, the receiving entity sends a positive acknowledgement to the sending entity.” (Sabaa column 2, lines 43-62) Sabaa’s method is specifically points to a sequence of communication packets. When the sequence (or order) of the packets is interrupted then subsequent packets are all discarded until the correct packet is sent and the sequence resumes. There exists no way in which Sabaa’s method could disassociate an individual packet with the sequence, nor can Sabaa’s method operate on multiple individual randomly-ordered packets simultaneously. Again, Sabaa is limited to a particular method of communicating between two

devices involving a sequential ordering of packets, once the sequence is broken no other communications regarding that sequence can take place until the sequence is correctly resumed.

With respect to independent claim 1 in the presently claimed invention, Applicant teaches and claims “A method, comprising receiving a completion packet at a receiving device, wherein the completion packet is not required to be received in a particular order in relation to any other packet received at the receiving device, determining whether the completion packet is expected by the receiving device, and discarding the completion packet if the completion packet is not expected.” The completion packet relates to a request originally sent by the requesting/receiving device. If the device did not make a request at some earlier point in time, and therefore a request is not outstanding, it discards the packet because it never requested the completion packet in the first place. This completion packet coupled with an earlier request has no bearing on any given sequence of packets received by the receiving device in a particular order. The receiving device might have many outstanding requests and thus is expecting many completion packets. None of these coupled pairs of requests and receiving completion packets rely on any other packets. They can be interleaved or placed in any given order and are not dependent on any given sequence of ordered packets. Consequently, “the completion packet is not required to be received in a particular order in relation to any other packet received at the receiving device.”

It is not apparent, nor is it even possible, for Sabaa’s method of receiving a given sequence of packets and discarding packets that are out of this sequence to teach or render obvious Applicant’s method of “receiving a completion packet at a receiving device, wherein the completion packet is not required to be received in a particular order in relation to any other packet received at the receiving device, determining whether the completion packet is expected by the receiving device, and discarding the completion packet if the completion packet is not

expected.” Thus, because Sabaa does not teach the presently claimed invention, Applicant respectfully submits that Sabaa does not anticipate claim 1.

Claims 2 and 3 are dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Sabaa does not anticipate claims 2 and 3.

In regard to independent claims 4 and 7, Sabaa does not anticipate Applicant’s invention for the same reason as independent claim 1. Again, the strict packet ordering sequence limitation that encompasses Sabaa’s method is entirely different than the Applicant’s method of “receiving a completion packet at a receiving device, wherein the completion packet is not required to be received in a particular order in relation to any other packet received at the receiving device, determining whether the completion packet is expected by the receiving device, and discarding the completion packet if the completion packet is not expected.” As such, Sabaa does not in any way disclose a mapping table, which is fundamental to Applicant’s invention. Thus, because Sabaa does not teach the presently claimed invention, Applicant respectfully submits that Sabaa does not anticipate claims 4 and 7.

Furthermore, claims 8-10 are dependent upon independent claim 7. Thus, for at least the same reasons advanced above with respect to independent claim 7, Applicant respectfully submits that Sabaa does not anticipate claims 8-10.

As such, Sabaa does not teach or anticipate Applicant’s invention as claimed in pending claims 1-4 and 7-10. Applicant respectfully requests withdrawal of the 35 U.S.C. 102 rejection of claims 1-4 and 7-10.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 5 and 6 under 35 U.S.C §103(a) as being unpatentable over Sabaa et al. (“Sabaa”) (U.S. Patent No. 6,389,016) in view of Matsumoto et al. (“Matsumoto”) (U.S. Patent No. 5,414,717). For the same reasons set forth above in regard to Sabaa in view of the response to the 35 U.S.C §102 rejection, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant’s invention as claimed in claims 5 and 6.

Claim 5 and 6 are dependent upon independent claim 4. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Sabaa and Matsumoto, taken alone or in combination, do not render this dependent claim obvious.

Thus, Sabaa and Matsumoto do not teach, suggest, or render obvious Applicant’s invention as claimed in pending claims 5 and 6. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 5 and 6.

If there are any additional charges, please charge Deposit Account No 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Michael J. Mallie at (408) 720-8300.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 3/18/04

[Signature]

Michael J. Mallie (Reg. No. 36,591)

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

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Debra L. Riggio